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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,771	02/27/2004	Pieter G. Wybro	MOD013/145573	8450
23444	7590	05/03/2006	EXAMINER	
ANDREWS & KURTH, L.L.P. 600 TRAVIS, SUITE 4200 HOUSTON, TX 77002			SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/788,771

Applicant(s)

WYBRO ET AL.

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-14, 16, 21-26, 30-32, 34-37, 39, 41, 42 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-14, 16, 21-26, 30-32, 34-37, 39, 41, 42 and 45-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,7,9-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Eie.

Eie discloses the field of the invention including tubular risers **13** suspended and supported as claimed. The risers are laterally supported below the waterline in cylindrical passages which face outwardly of the hull. Side entry of the risers is permitted as claimed.

Re claim 5, plates **21** present inboard facing surfaces.

Re claim 7, and sliding or contacting surface comprises a "bearing", i.e. a plain bearing, and the claim as amended fails to define thereover.

Re claim 16, Eie states that the tubular members may alternatively be routed through passages within the hull **1** as claimed.

Re claim 21, cylinders **39** function as springs.

3. Claims 36,37,39,41 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Petersen.

Petersen discloses a series of risers coupled about the interior moonpool perimeter of the hull. The risers are laterally inserted into keel guides, and tensioned by winches which allow vertical movement as is known in the art.

Re claim 36, the apertures do in fact have a closed periphery in one configuration, as the slot is effectively closed by the cap **15**.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23-26,30-32,34,35,45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eie in view of Wybro.

Eie fails to disclose an operative connection between the tubular members and subsea well. A multitude of tubular members are provided, at least one of which may be called a "mooring device".

Wybro teaches an old and well known arrangement in which the sea bed engaging fundament provides support for both tension legs and wells.

It would have been obvious to one of ordinary skill in the art at the time of the invention to support the drilling operations of Eie by supporting the wells in some fashion by the fundament as taught by Wybro.

Such a combination would have been desirable at the time of the invention so as to provide for ease in drilling.

Since the wells and tubular members are both supported by the fundament, they are operatively connected together.

Re claim 46, since Eie states that the passages are internal to the hulls, they must inherently be mounted in or to an inboard facing surface.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eie in view of Wybro as applied against claim 23 above, and further in view of Petersen.

Eie fails to disclose mounting within a moonpool.

Petersen is discussed above.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eie as applied to claim 1 above, and further in view of Petersen.

Petersen is applied as above.

8. Applicant's arguments filed 2/13/2006 have been fully considered but they are not persuasive.

Applicant argues with respect to Eie, that the claims have been modified to claim a tubular member having a lower end coupled to, or in fluid communication with a sub sea wellhead.

Claim 1 does not define over Eie, as the tension legs **13** are tubular in construction, as is notoriously old and well known in the art as Applicant is aware. Applicant's arguments with respect to claim 36 are addressed within the body of the rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

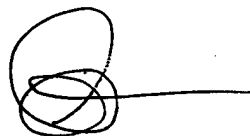
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'E' shape with a horizontal line extending to the right.

Ed Swinehart
Primary Examiner
Art Unit 3617